

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, MARCH 21, 2002  
8:15 A.M.**

Commissioners Present: Bob Workman, Chair  
Bernie Heier, Vice Chair  
Kathy Campbell  
Larry Hudkins  
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Dave Johnson, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Trish Owen, Deputy County Clerk  
Ann Taylor, County Clerk's Office

The Staff Meeting was called to order at 8:18 a.m.

**AGENDA ITEM**

**1 APPROVAL OF THE STAFF MEETING MINUTES OF TUESDAY, MARCH 12, 2002**

**MOTION:** Heier moved and Campbell seconded approval of the Staff Meeting minutes dated March 12, 2002. Workman, Heier and Campbell voted aye. Stevens abstained from voting. Hudkins was absent from voting. Motion carried.

**2 ADDITIONS TO THE AGENDA**

None were stated.

**3 COMMISSIONERS MEETING REPORTS**

A. Region V Governing Board - Heier, Campbell

Heier said Sheryl Schrepf, Juvenile Mental Health Director, and Dr. Michael Epstein, evaluator of the Families First & Foremost (F<sup>3</sup>) Grant Program from the University of Nebraska, gave a presentation on F<sup>3</sup>.

Heier said the Region V Governing Board was upset to learn that F<sup>3</sup> is performing Office of Juvenile Services (OJS) evaluations and said Lancaster County is interfering with Region V. He recommended that Lancaster County consider removing itself from Region V and establishing itself with Nebraska Department of Health and Human Services (HHS) in a different capacity.

Eagan said that would require a statutory change.

Campbell requested an analysis of LB 682 (adopt the Nebraska Behavioral Health Services Act).

Hudkins arrived at 8:25 a.m.

Campbell noted that the Board plans to forward a copy of a memorandum from Dean Settle, Community Mental Health Center (CMHC) Director, summarizing comments made at a meeting of adult mental health service providers that was convened to discuss concerns related to Region V, to the Region V Governing Board with a cover letter from the Board. She suggested that Heier's comments and the suggestion that there be a different configuration of the Regions be incorporated in the Board's cover letter.

B. Board of Health - Hudkins

Hudkins reported on recommendations regarding tattoos and body piercings and suggested that the County give consideration to adopting regulations.

C. Lincoln/Omaha Economic Summit - Workman

Workman reported on the Omaha-Lincoln Economic Summit held with leaders of business, labor, education and local government on March 13, 2002.

D. Community Services Implementation Project (C-SIP) - Campbell

Campbell reported that mission and vision statements and major goals have been developed and said the group, which is comprised of representatives of the City, County, United Way of Lincoln-Lancaster County, Woods Foundation and Lincoln Community Foundation, is now looking at funding sources.

**4 LEGISLATIVE UPDATE** - Gordon Kissel, Legislative Consultant

Gordon Kissel, Legislative Consultant, gave a legislative update (Exhibit A), noting the following:

- LB 479 (changes provisions for the commitment of mentally incompetent persons to the Department of Health and Human Services) failed to advance.
- Legislature will focus on budget issues with debate in four stages: 1) Cash transfers; 2) Spending cuts; 3) Financial aid; and 4) Tax increases or broadening of the tax base.

Kissel said he is working with Douglas County to draft an amendment to move part of the Nebraska Crime Commission's money into the Juvenile Justice Fund this fiscal year.

- Governor signed LB 616 (authorizes road maintenance agreements between counties, cities and villages) with an emergency clause.

- Discussions continue on LB 936 (authorize drainage programs and storm sewer systems for cities, villages, and natural resources districts), with continued effort to amend it into LB 814 (change provisions for the sale of alcoholic liquor near churches, colleges and universities).

Eagan reported receipt of a request from Hitching Post Hills landowners for support of an update of Nebraska Revised Statutes § 39-1601 through §39-1636.01, which relate to the process of organizing a paving district (Exhibit B).

**5 PENDING LITIGATION** - Dave Johnson, Deputy County Attorney; Terry Adams, Deputy County Treasurer

**MOTION:** Heier moved and Campbell seconded to enter Executive Session at 8:48 a.m. for discussion of pending litigation. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

**MOTION:** Campbell moved and Stevens seconded to exit Executive Session at 8:54 a.m. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

**6 FEDERAL JAIL NEEDS** - Mike Heavican, Assistant U.S. Attorney; Brian Ennis, U.S. Marshal; John Cleveland, Chief Deputy U.S. Marshal; Richard Kopf, Chief Judge of the U.S. District Court

Mike Heavican, Assistant U.S. Attorney, said his office currently contracts with Lancaster County for a minimum of 15 maximum security beds in Corrections for federal prisoners. He said the contract expires in July, 2003 and said the U.S. Attorney's Office would like to renew and expand the contract to meet the needs of the U.S. District Court, located in Lincoln. Heavican added that prosecution at the federal, rather than the local level saves the County money.

Richard Kopf, Chief Judge of the U.S. District Court, said his court has the ninth heaviest criminal docket in the nation and said 60% of the court's criminal docket is comprised of felony drug cases, most coming from the Multi-Jurisdictional Task Force (drug enforcement). He noted that prisoners have been housed as far away as Kansas and Wisconsin and said the U.S. District Court is concerned that this limits accessibility.

John Cleveland, Chief Deputy U.S. Marshal, said there are two mechanisms that the U.S. Marshal's Service and Immigration and Naturalization Service (INS) use to house federal prisoners: 1) Cooperative Agreement Program (CAP) which allows the federal government to set aside funds to assist with construction costs of a facility and to pay a daily per diem; and 2) Intergovernmental Agreement (IGA) which provides for a daily per diem, but does not guarantee space in the facility. He said the INS typically "rides" the U.S. Marshal's agreements and pays the same per diem rate, noting both paid Lancaster County \$2,540,806.50 for the period of 1996-2001. Cleveland said the Prisoner Services Division has projected 453 prisoners in the Nebraska district in 2008, using a conservative growth rate of 6.85%. The current average is 300 prisoners. He said the goal is to house these prisoners in Nebraska and said the U.S. Marshal's Service would like to expand the contract to 30-35 beds.

Brian Ennis, U.S. Marshal, said 90% of the beds are guaranteed to be filled under the terms of a CAP agreement.

In response to a question from Stevens , Cleveland said CAP funds can be used for reconstruction and remodeling expenses.

Stevens asked whether close circuit television can be used in sentencing.

Judge Kopf said the U.S. Court of Appeals has not made that determination.

Campbell said Lancaster County has been looking at alternative programs to free up space in the Corrections facility, rather than construction. She asked whether the new State prison in Tecumseh, Nebraska is an option.

Hudkins said staffing is a problem.

Cleveland proposed that the U.S. Marshal's Service and County enter into an IGA agreement and continue to look at a CAP agreement.

**7 DISCUSSION WITH LINCOLN/LANCASTER COUNTY CONVENTION AND VISITORS BUREAU (CVB) REGARDING BUDGET, CONTRACT TO ADMINISTER PROCEEDS OF THE COUNTY VISITOR PROMOTION FUND, AND VISITORS PROMOTION ADVISORY COMMITTEE (VPAC) - Mark Essman, Lincoln/Lancaster County Convention & Visitors Bureau Director; Sandi Witkowicz, Marketing and Communication Coordinator; Paul McCue, Chamber of Commerce President; Gary Powell, Chamber of Commerce**

Mark Essman, Lincoln/Lancaster County Convention & Visitors Bureau (CVB) Director, explained that the role of the CVB is to promote Lincoln, Nebraska as a destination for national, regional and statewide convention delegates and tourism visitors. He also gave an overview of marketing, promotion, staffing and services (Exhibit C).

Paul McCue, Chamber of Commerce President, gave a brief history of the Chamber's contract with the County to administer proceeds of the Visitors Promotion Fund and its contractual relationship with the CVB.

McCue also gave a history of the Sports Commission, formerly known as the Sports & Recreation Committee, noting the group is now a separate "501C6 organization" housed with the Chamber of Commerce. He noted a commitment to raise funds for the Big 12 Indoor Track and Field Championship and said the committee currently lacks "energy and intensity" and is unable to raise the necessary funds. McCue said the committee is lobbying for a share of the Lancaster County Lodging Tax and said he opposes this, both in general principle and the belief that the committee should be able to raise funds.

Essman said the Sports Commission plays an important role and needs to remain in place, but needs to be reinvigorated to be successful.

McCue said the Sports Commission is subsisting on the remnants of the original funding of the Sports & Recreation Committee.

Workman said the Board has discussed bidding the contract to administer proceeds of the Visitors Promotion Fund.

Essman said having continuity and familiarity of the market is very important to event and meeting planners. He said representatives of "a couple of the very large events" have expressed concerns with the ongoing controversy and have questioned whether they want to remain in this market.

Campbell explained that the Board does not intend to bid the contract each year, but does want an annual review of the contract.

Eagan said, pursuant to the Board's direction, a Request for Proposals (RFP) has been drafted which incorporates suggestions from the tourist industry. The RFP currently calls for a three year contract.

Heier asked whether hotels, restaurants and retailers are being asked for contributions to help bring events to Lincoln.

Essman said "some will step up to the plate". He explained that many of the hotels contend that they are contributing through the Lancaster County Lodging Tax.

Heier noted that the lodging tax is paid by the lodgers, not the hotels.

Essman said Chamber of Commerce Board members plan to meet with business peer groups and pursue a dollar-per-dollar match.

In response to a question from Heier, Essman said the University of Nebraska needs to play a more prominent role, possibly in the area of venues.

Hudkins asked whether the University of Nebraska pays lodging tax for use of its dormitory rooms.

Essman said it does not, but that is being pursued.

In response to a question from Stevens, McCue said a minimum of \$50,000 is raised each year to support the CVB, in addition to the lodging tax.

Essman said there are also in-kind contributions which are not reflected in the budget.

Campbell asked what is needed to retain the high school sports tournaments in Lincoln.

Essman said funding and cooperation with other entities, such as the Lincoln Public Schools, is key.

McCue said the community takes the tournaments for granted and said retention will require awareness and coordinated support.

Campbell said the Board also needs to take a more active role and talk to counterparts that serve on the Nebraska School Activities Association (NSAA).

Sandi Witkowicz, Marketing and Communication Coordinator; described regional marketing efforts, noting plans to attend several new trade shows and to increase publicity efforts in the meetings industry.

Essman said there is a greater focus on regional events, due to air travel concerns. He said it is easier to "sell" Lincoln in the Midwest, as Nebraska lacks an image on the national level.

Workman said the Board has decided to send a questionnaire to other Convention & Visitors Bureaus seeking comparison data (Exhibit D). He said Lincoln/Lancaster County Convention & Visitors Bureau data is provided, including a copy of the July 2001 - June 2002 Proposed Budget. Workman noted the following:

- Total amount of the budget is \$808,000
- 52% of the budget is spent on wages and benefits
- 17% of the budget is spent on office costs
- 31% of the budget is spent on promotional costs

Gary Powell, Chamber of Commerce, said there are also 24 part-time employees that comprise the Services Team and staff the Visitors Center which are not reflected in the data.

Essman reported that research of other Chambers of Commerce along the Interstate 80 Corridor shows that 30% -60% is typical for administration (wages and benefits).

In response to a question from Hudkins, McCue said the CVB pays rent to the Chamber of Commerce based on a square footage rate of \$14.90 (includes common area and maintenance).

Hudkins said he believes it is beneficial to put the contract up for bid from time to time to help to refocus.

Stevens noted that some concerns were brought forth and said "perhaps we have a duty to the citizens of the community to request an RFP". He suggested a time frame of six months for evaluation of alternatives, with input from the Chamber of Commerce.

McCue said "we're open to suggestion, we know we can do a better job."

Workman said he does not advocate rushing into anything and said he anticipates that the contract with the Chamber of Commerce will be extended at least one year.

## Visitors Promotion Advisory Committee (VPAC)

Larry Small, Ronn Sorensen, Mark Lutz, Pat Hardesty, and Scott Vyskocil, members of the Visitors Promotion Advisory Committee (VPAC), appeared and relayed their experiences.

Eagan suggested that the VPAC needs to be more interactive with the County Board. He also stated that an update of the VPAC bylaws is needed.

Campbell asked that the VPAC review the bylaws and make recommendation to the Board.

Also in attendance were Sheila O'Connor and Joan Spath, Lincoln/Lancaster County Convention & Visitors Bureau (CVB); Bruce Bohrer, Lincoln Chamber of Commerce; Dan Adolphsen, Arrow Stage Lines; Nicky Smith, Town House Mini-Suites Motel; Jenny Higgins, Comfort Suites and Fairfield Inn; Jerry Barnes, The Cornhusker; Linnie Green, Embassy Suites; Jeff Ford, Holiday Inn; and Deb Schorr.

### **8 LINCOLN PARTNERSHIP FOR ECONOMIC DEVELOPMENT (LPED) - Paul McCue, Chamber of Commerce President; Wendy Birdsall and Sherry Hanneman, Lincoln Partnership for Economic Development; Mayor Wesely and Frank Hilsabeck, Lincoln Partnership for Economic Development Board of Directors Co-Chairs**

Mayor Wesely and Frank Hilsabeck, Lincoln Partnership for Economic Development (LPED) Board of Directors Co-Chairs, announced that the LPED Board of Directors has reached agreement to support the creation of a public economic development position, which will be funded jointly by the City, County and Lincoln Electric System (LES) (Exhibit E). They also announced the LPED will add an additional staff person to assist with economic development efforts.

In response to a question from Heier, Paul McCue, Chamber of Commerce President, said a study commissioned by the City and Lincoln Chamber Economic Development Corporation (LCEDC) seven years ago identified a need to streamline the way in which developers work through bureaucracy and regulations, primarily in the areas of planning and zoning.

Heier asked whether the new position will be able to assist in this area.

Mayor Wesely said the proposed team approach will help to get projects through the process.

Sherry Hanneman, LPED, gave an overview of LPED (Exhibit F), noting the following:

- Origins
- Purpose
- Organization
- Board members
- Strategic goals
- Plan of work
- Past successes
- Future plans

McCue explained that the City and LCEDC contribute \$250,000 and \$300,000, respectively, to LPED. There are also two levels of participation: 1) \$7,500 - Board of Directors; and 2) \$2,500 - General Membership.

Campbell asked if LPED can become more inclusive, noting there are many small businesses that cannot afford to participate at the \$2,500 level.

McCue agreed to look into it, stating "we don't turn anyone away in terms of business outreach or services."

Hilsabeck said the Lincoln Chamber of Commerce is there to support everyone and has membership levels for all sizes of businesses. He added that economic development efforts are not just concentrated through LPED.

Campbell said she would still prefer that the public economic development position be contracted through LPED to ensure a single point of contact.

Stevens said he also senses a "disconnect".

McCue said Mayor Wesely is a "hands on kind of person" and believes that having the person on staff will provide a faster response to "hot spots".

Hilsabeck said "LPED is still the primary economic development driver in Lincoln" and said every effort will be made to ensure that there is no duplication of effort or contradictory statements.

In response to a request from Workman, McCue agreed to forward information on LPED's expenses to the Board.

Stevens asked Hanneman whether she would like to see any changes to the draft of the Lincoln City-Lancaster County Comprehensive Plan.

Hanneman said, from a business development point of view, there may be an underestimation of future business growth. She said she also does not believe the issues of where people will live and work, cross-city transportation, and erosion of the smaller communities' tax base through annexation have been fully addressed.

Also in attendance were Mark Bowen, Mayor's Chief of Staff; Terry Werner, City Council; and Darrell Podany City Council Staff.

## **ADMINISTRATIVE OFFICER REPORT**

- B. Interlocal Agreement with Lincoln Electric System (LES), City of Lincoln and Lancaster County for Funding of Economic Development  
Administrative Assistant to the Mayor

The Board scheduled action on the interlocal agreement on the April 9, 2002 County Board of Commissioners Meeting agenda.

- F. Convention and Visitors Bureau Request for Proposals (RFP) Schedule

Campbell requested a delay, pending a report from Kathy Smith, Assistant Purchasing Agent.

By direction of the Chair, the meeting was recessed at 12 p.m.

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Bruce Medcalf  
County Clerk

**STAFF MEETING MINUTES  
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Commissioners Present: Bob Workman, Chair  
Bernie Heier, Vice Chair  
Kathy Campbell  
Larry Hudkins  
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer  
Kathleen Sellman, Planning Director  
Mike DeKalb, Planner  
Trish Owen, Deputy County Clerk  
Melissa Koci, County Clerk's Office

The Staff meeting reconvened at 1:07 p.m.

**AGENDA ITEM**

**10 COMPREHENSIVE PLAN ISSUES**

b. Acreages

Workman distributed documentation regarding his proposed changes to the draft Comprehensive Plan (Exhibit A) on pages F71 through F74. He outlined the top three general statements as being:

1. Acknowledge a farmer's "Right to Farm" as a priority.
2. Acknowledge a farmer's right to divide the land in a manner which will not be detrimental to the community as a whole.
3. Control the number of dwellings in a fiscally responsible manner by recognizing the associated true costs of services.

He also said the housing density in AGR zoned land will not change with a density of one dwelling per 3 acres.

With regards to housing density in AG zoned land he proposed the following:

1. Allow one non-farm residence per 40 acres with a minimum lot size of 3 acres (per quarter/quarter system).
2. Allow community unit plans (CUP's) on parcels of 40 acres or more with a maximum housing density of one 3+ acre residence per 20 acres (ie: 2 small lots per 40, 3 small lots per 60 etc.).

3. Create a point system for bonuses used in the establishment of higher density CUP's for certain types of land or locations where farming is impractical and rural housing is ideal.

Campbell said a letter needs to be sent to the Planning Commission stating the Board's concerns and attach whatever may need to be attached. She did not believe that the Board needed to appear before the Planning Commission to state their concerns.

Stevens said it was his understanding that the Planning Department is accepting amendments to the draft Comprehensive Plan for the Planning Commission to consider when they make their preparations and the Board's concerns should be submitted in detail as a proposed amendment.

Mike DeKalb, Planner, appeared and indicated the Chair of the Planning Commission asked the public for their input, to identify pages and suggest language.

Kathleen Sellman, Planning Director, appeared and said the approach Campbell mentioned is probably more acceptable in terms of what the County Board's role is as the final decision maker.

Hudkins said he agrees with Campbell's approach about sending the Planning Commission a letter and with some of the items on Workman's proposal, but he doesn't agree with the 40 acres. He said the proposal would be taking away the right of somebody with 20 acres to sell it off.

Workman asked DeKalb if the 20 acres would be grandfathered and if they could not subdivide the 20 acres for more than one house.

DeKalb said in 1979, when the zoning was changed, when the 20 acres was put in vs. the one acre that proceeded it, it was the County Board's direction that anything that was filed in the public record in the Register of Deeds would be accepted as grandfathered and the Law Department signed off on that interpretation.

Heier asked why that law would change.

DeKalb said there is a different County Attorney and a different County Board.

Heier suggested getting a County Attorney's opinion before any decisions are made.

Eagan said it would be a good idea to get a County Attorney's opinion because the County Board might decide and then the Courts might decide something else and it's a question of whether it is a vested right or a vested property interest. He said if you have an existing 20 acres under this zoning and you change it to 40 acres, is it a vested right for them to go ahead and take it away and if you've done that, it's a taking without compensation and it is unconstitutional.

Heier indicated he is not in favor of the 40 acres, but would be in favor of the 20 acres.

Campbell suggested to the Board to try to set the specifics and work from the general to the specifics and then look at Workman's proposal. Campbell first outlined page F19 which has the guiding principles for the rural environment, which acknowledges the right to farm, preserving areas for agriculture, ensure that acreages and rural preserve and project environmentally sensitive areas, preserve areas for future growth and incorporating, support new commercial/residential as to rural development in the incorporated towns in the county and 6% of the total population of the county can be accommodated. She said this paragraph needs to be discussed and the question she has is regarding the 6%.

DeKalb said they are accommodating that 6% of the population growth, which would be in acreages, occurs today and some would continue to occur on larger lots or farmsteads within Tier I, II and III with no new acreages.

Sellman reported the platted acreages designated on the future land use map, acreages, clusters and anything under AGR would be included with that 6%.

Campbell does not remember in the 1994 Comprehensive Plan where any percentage was designated.

DeKalb said the 1994 Comprehensive Plan did have an assumption for a population split, which was based on the Census results, but the certain percentage wasn't stated.

Campbell said the County Board needs to relate to the Planning Commission that they are not in agreement with the plan as presented in F73 and that they do not see designated specific areas north and south. She said her concern about listing the language on F19 "requiring or setting the 6%" is tied to the idea that specific areas will be set aside.

Hudkins asked how the 6% evolved.

Sellman said it is an extension of the historic distribution that has been seen in the Census. She said there doesn't have to be a percentage put in the Comprehensive Plan.

Campbell said her argument is to recognize the 6% has been a trend but it may not necessarily hold and it may be greater as the county urbanizes.

Campbell noted on page F72, if the County doesn't buy into the specific map on page F73, they can't talk about designating specific areas in advance.

Workman suggested to replace the paragraph with number one of his proposal, acknowledge a farmer's "Right to Farm" as a priority and the Board agreed.

Campbell suggested the paragraph with 6% be reworded and asked Sellman if she agreed.

Sellman agreed.

Hudkins said he doesn't like the word paved before roads in the same paragraph.

Campbell noted in the paragraph that states new acreage development is not encouraged in the future growth areas for Lincoln, she suggested coming up with a different designation for acreage. She said if acreages are taken out of all of the tiers, except for what is existing, she believes there will be a long term problem. She suggested coming up with a different name for it, or say there are more intense requirements such as asphalt roads and that the City develop a consultation one year from now with the County.

Hudkins said he is having a hard time understanding why they don't want any new acreages within the three mile.

Sellman indicated the existing system has resulted in large blocks of acreage development, for example 56<sup>th</sup> Street, that will be extremely expensive to get public utilities to the other side if it is necessary. She said the paragraph could say until we determine how they can be provided without unduly increasing the costs for extending the utilities in the future. She said it is to figure out how to get the urbanization to occur that is not excessive in terms of its public cost to get those services out where development will be of an urban density.

DeKalb reported the Comprehensive Plan Committee and the Sub-Committee has met several times on acreages and the solution they came to was both the language on F72 and F77, which says a study should be done to review policy issues and options such as bill through, lot size, acreage standards, acreage and township relationships and acreage sensitive areas.

Campbell said she understands the language Sellman stated as long as it references the fact that one year from now the study would be done. She said it would be fair for the Planning Commission to say right now the County Board has a consternation with the language, would like to see it changed and a deadline should be set.

Campbell also said she would delete the language on the last two paragraphs on page F72, all of page F73 and the top two thirds of page F74 because the County Board does not recommend the map on F73.

The Board agreed.

Campbell referred to Workman's plan regarding the housing density in AG zoned land number 3 and said the County Board has a list of criteria that it utilized and was put in to place in 1987. She said she would like to see a statement in the section that says instead of to create a point system, but to revise the County policy of 1987's criteria to create a system or matrix whereby the County can judge those areas whether it be clusters, AGR, or CUP's to ensure that the zoning is correct.

Campbell also suggested to Sellman on page F77 that it be mentioned of a development of a system or the criteria, the basic fundamentals may be an appropriate part of the study.

Campbell said the other thing she likes about Workman's plan under AG zoned land number 2 is that you can divide by right. She said she can live with the 40 acres and would like mentioned that the Board does look at a way for the farmer or someone to divide by right, 3-acre parcels, whether it be 2 small lots per 40 or 3 small lots per 60 etc., doesn't have to go through a CUP and can be administratively done.

## **10 COMPREHENSIVE PLAN ISSUES**

### **a. Ecological Advisory Committee Recommendation**

Tom Malmstrom, Ecological Advisory Committee Chair, appeared and distributed documentation regarding the recommendations for the Comprehensive Plan (Exhibits B & C) from the committee.

Hudkins asked what the definition is for a Regional Park in Stevens Creek.

Malmstrom said the definition would be by the Parks & Recreation Department and one thing they discussed was private or public ownership of the park and they didn't want it private.

Heier noted there are some differences of opinion regarding the Salt Creek Tiger Beetle and whether it is an endangered species.

Campbell said the Board is planning to visit the area where the Salt Creek Tiger Beetle resides, the saline wetlands and then do a work session regarding the issue. She suggested holding that item until the Board gets more educated on it.

Campbell also said she would like Tom to come back to the Board after the Board has done their Tiger Beetle study.

## **10 RETURNING TO ITEM 10B - Acreages**

Workman noted that the County Board agrees with number 2 under housing density in AG zoned land. He said under number 1, today you can do a 20-acre lot and his proposal is to do one 3-acre lot every 40 acres.

Campbell said if you leave the 20 and you have the density of 1 to 20 and you divide by right, there's the carrot to the farmer. The carrot to the farmer is if they could split off two lots per 40 by right, no CUP, no nothing, they could then sell someone 3 acres and not the 20. She said the biggest problem is that you have to sell someone a 20 and she would like to have the divide by right and make it a carrot enough that they don't have to sell them a 20, 40 or 10, they can sell them a 5 if they like.

DeKalb said what Campbell is saying you get to do is an easy equivalent to 4 units by right, which could be 4 houses down the road, and Hudkins is saying he likes the idea of the bonus and the community unit plan so you get a cluster and one road and Heier is saying every time a person does a 20/40 sell back and forth he gets another credit. He said every time a lot is split off the 17 acres gets undeveloped.

Campbell suggested putting in the letter in the strategies they want an array of options, divide by right, divide by right if you cluster and the minimum density is 1 to 20.

Stephens said the Board will be giving incentives by reducing the CUP from 75 to 40 acres and with a bonus, someone might be able to get 3 or 4 houses in there.

Campbell said the Board is setting a policy of saying we want incentives to encourage people to make more efficient use of the land and strategies to achieve that may include divide by right, clusters, bonus for clusters, change from 75 to 40 CUP's, being able to split 3's by right and administratively with some flexibility.

Workman said the only thing the Board did not agree on is the minimum parcel size under number 1 of the housing density in AG zoned land.

The Board agreed to have a staff meeting immediately following the 1:30 p.m. County Board meeting to review the letter that is going to be sent to the Planning Commission regarding their Comprehensive Plan changes and proposals.

c. Stevens Creek Planner & Subarea Plan

Heier noted what he wanted to see was the different colors on the maps designating the residential and commercial areas and it wasn't done so he assumed that there was not a subarea plan.

Sellman said when the Stevens Creek Task Force was put together there was a work program that went with it and what was identified at the time what would come out of it would be strategies and concepts regarding the development preferences with regard to the Stevens Creek Basin, which is a big task. She said they also talked about, and maybe it wasn't emphasized clearly enough, the fact that there would not be a specific land use map developed because of the inter-relationships between the existing developed city, other areas of the county and the new development, which would occur in other areas, with particular regard to the transportation impacts that would be caused by development in Stevens Creek as people begin to feed into the existing transportation system. She said because of the timing and the Comprehensive Plan, the determination was made that the Stevens Creek Task Force would dig into the material that was available in terms of the facts and figures that relate specifically to Stevens Creek and the Task Force would frame some recommendations that could stand on their own as a foundation for future land use decisions, but the information then would become a part of the land use decisions that would occur in the new proposed Comprehensive Plan.

Heier said the plan was the City would give 1/2 of the money and the County would give 1/2 of the money to hire a Planner to do the specific subarea plan.

Sellman said there is at least one full-time employee that is dedicated to working on issues that relate to Stevens Creek. She said the Stevens Creek Task Force's report and recommendations on the Stevens Creek Basin initiative does exist.

DeKalb said when the term subarea plan was used, a lot of people believed and concluded that Planning does subarea plans that land uses are found and have maps and are adopted as part of the Comprehensive Plan. He said the timing of the subarea plan was running ahead of the Comprehensive Plan Committee and they can't decide they are going to do 50 square miles of Stevens Creek before you decide what the rest of the City is going to need or use. He said the emphasis was to develop the text points of criteria, which was done and adopted and sent to the Comprehensive Plan Committee.

DeKalb also said the Stevens Creek Task Force was to set a template or a framework of how they would be able to work with other areas of the community both city and county. He said that because the Stevens Creek Basin went into the Comprehensive Plan at this time, that area or group of residents had more impact and direction and ability to write down and say what they wanted than anyone else in the county.

Heier asked if they will get a colored plan and said the reason he is asking is because now the Agricultural Society is wanting zoning at 84<sup>th</sup> & Havelock Avenue.

Sellman said there is something different about Stevens Creek because it is an enormous area of land that has tremendous attraction for a variety of reasons to all kinds of interests. In putting together the Stevens Creek citizen group to work on that foundation material they were looking at a far larger area than what is typically covered in a subarea plan. She said the next step will probably be to take a look at where utilities will go, how long will it take to get them there, costs, etc. and those are things that require years of work. In order to incorporate the recommendations regarding very general policies for future development, policies which are quite different from how Stevens Creek was approached in the past, their determination was to get the group working, get their recommendations at a policy level and get them into the overall Comprehensive Plan with the rest of plan so that expenditure decisions can be made considering the overall impact of Stevens Creek and the timing of those improvements can be tied in with improvements in the rest of the county as we urbanize.

Heier asked now that the Stevens Creek Task Force has done its work, do you hire a planner, which was agreed to do.

Sellman said there is at least one full-time employee worth of planners working on the project, a transportation planner is working on it, current planners who are ready to jump in and handle projects as they come online as soon as they have the infrastructure done for that area, but there is not one specific person that has been named the planner of this particular project.

Campbell said the plan would be enhanced if it were articulated that Stevens Creek is one of the last true major basins that Lancaster County can impact from top to bottom overall. In the letter to the Planning Commission, it needs to be addressed that the County Board supports the Stevens Creek issue.

## **10 RETURNING TO ITEM 10B - Acreages**

Workman said on page F51 in the last paragraph he wondered why it specified "an additional outside employee".

Sellman said the paragraph is too specific in itself and that maybe it should say, "and explore options to assist in the home occupation."

The Board agreed to the change.

Workman said on page F61 he doesn't understand the wording with buffer.

Sellman said where she believes the Comprehensive Plan would be used is with someone seeking permission to change a land use.

The Board agreed to take out smoke easements under Native Prairies and Grasslands on page F61.

## **12 CONSENT ITEMS**

- a. Vacation Request from Larry Van Hunnik for March 25-29, 2002

**MOTION:** Stevens moved and Hudkins seconded approval of the vacation request. On call Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

## **11 ACTION ITEMS**

- a. Banquet Contract with Windsor Stables for Employee Recognition Awards

Kerry Eagan reported the agreement with Windsor Stables setting the date for the Employee Recognition Awards needs to be signed by the County Board.

**MOTION:** Stevens moved and Hudkins seconded approval of the agreement. On call Heier, Stevens, Hudkins, Campbell and Workman voted aye. Motion carried.

- b. Request for Payroll Insert Re: Long Term Care Insurance

**MOTION:** Heier moved and Hudkins seconded to deny the request for a payroll insert on Long Term Care Insurance. On call Campbell, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

## **10 RETURNING TO ITEM 10B - Acreages**

Campbell suggested the following changes, proposes and additions to the Comprehensive Plan:

- \* Page E47 the very last sentence says the city has three maintenance districts and the same information is repeated on page E55, except the county is added. She believes the information should be in one place or you put the county's in with the city.
- \* Page E56, there needs to be some mention of the Rural Transit System.
- \* Page E73, Trabert Hall needs to be added.
- \* Page E75, under Lancaster County Parks & Recreation services, the land owned by Interstate Park is not mentioned and needs to be.
- \* Page E91, under County services, Campbell believes Kroeker needs to review the item to see whether there is a formulized CIP plan, because there is a One and Six Road and Bridge Plan and a Building Plan.
- \* Page F9 she believes there needs to be some references to ag economy. She said the report was done and someone needs to look at it.
- \* Page F11 or somewhere, there needs to be a paragraph in reference to the I-80 corridor which will have a major impact on the economy. She said they need to look at where the insertion needs to be based on facts, statistics, agribusiness and ag economy and it's not there.
- \* Page F20, she hopes there is some discussion between the County and City about the extension of Wilderness Park which she has a problem with. She said she supports the extension of Wilderness Park along the floodway and the stream corridor, but she believes the word "park" means to spread out and buy more land and she doesn't favor that, she would rather put money into Stevens Creek.
- \* Page F29 she wants to know whether the Planning Commission would consider a special designation of acreages within the three tiers. She would like it discussed to see if there is a new designation for an acreage that can have greater conditions and she doesn't know what that might be. She said it should be stated in the letter the Board would appreciate the Planning Commission's review of the tiers and priority concept in light of the testimony that they are getting.

### **13 ADMINISTRATIVE OFFICER REPORT**

- i. Quote from USGS to Produce Digital Ortho Quarter Quad Photos & LIDAR Images for Entire County

Kerry Eagan reported he received a quote back from USGS to do LIDAR, which is light detection and he said the estimated additional amount is around \$110,000. He said that the County Assessor does not approve of it.

**MOTION:** Heier moved and Hudkins seconded to not move forward with the LIDAR Images. On call Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

- e. Addition to Village Meeting Agenda (March 28, 2002)

Eagan stated he wanted to amend the agenda for the villages because there is a person from the USDA who wants to get some information to the villages about low interest loans on homes. The person from USDA will appear for about 5 or 10 minutes at the beginning of the agenda with the villages, which has already been set and sent out, and he needs the Board's approval to add them to the agenda.

The Board agreed to add the amendment.

### **10 RETURNING TO ITEM 10B - Acreages**

Campbell also suggested the following changes or proposes to the Comprehensive Plan:

- \* Page F80 and F81, under the utilities section, there doesn't seem to be any language having to do with water standards on acreages.
- \* Page F86, under the Information Technology section, the County Board needs to be very clear that they want a statement that will work to ensure that the entire county can have the technology like cable and internet.

### **13 ADMINISTRATIVE OFFICER REPORT**

- g. Environmental Trust Grants for Purchase of Conservation Easements

Dave Kroeker, Budget & Fiscal Officer, appeared and distributed documentation regarding the Environmental Trust Grant Applications (Exhibit D). He indicated that Lancaster County committed \$150,000 to the Environmental Trust Grant, with a definitive \$75,000 payment in the second year and \$75,000 in the third year. He said the Board only has to commit to \$50,000, but can commit to \$150,000 which would have to be written into the grant. He suggested the Board save the rest of the money for another grant that may come along.

**MOTION:** Campbell moved and Stevens seconded to bring down the committed amount from \$150,000 to \$50,000. On call Stevens, Heier, Campbell, Hudkins and Workman voted aye. Motion carried.

Kroeker also indicated with the Saline Wetland Grant, Lancaster County was going to commit to \$75,000, but it could be lowered to the minimum amount required, which is \$50,000.

**MOTION:** Campbell moved and Heier seconded to lower the commitment to the minimum amount allowed. On call Heier, Campbell, Hudkins, Stevens and Workman voted aye. Motion carried.

## **15 DISCUSSION OF BOARD MEMBER MEETINGS**

### e. **F<sup>3</sup> Conveners** - Heier

Heier indicated this is the first meeting he has attended regarding F<sup>3</sup> and said there was a concern with the population level at the Youth Service Center because of the evaluations. He said the evaluations have been done and they are now waiting for the Judges to make their decisions. Heier said the population at the Youth Service Center is 47 and the youngest assessment was a 6-year old boy.

### f. **Mayor's Floodplain Task Force** - Heier

Heier reported this was his first meeting with the Floodplain Task Force and said they are still working on making recommendations on the floodplain.

### g. **LIBA Budget Monitoring** - Stevens

Stevens reported the LIBA Budget Monitoring Committee discussed the Economic Development Coordinator job opening in the Mayor's Office and there was no consensus.

## **13 ADMINISTRATIVE OFFICER REPORT**

### a. Follow-Up Meeting with Mayor Re: Bioterrorism Tabletop Exercise

Kerry Eagan, Chief Administrative Officer, indicated the follow-up meeting was cancelled.

### b. Interlocal Agreement with LES, City of Lincoln and Lancaster County for Funding of Economic Development Administrative Assistant to the Mayor

This item was held over until March 28, 2002.

### c. County and County Board Web Page

Eagan noted that Gwen Thorpe, Deputy Chief Administrative Officer, would report on this item on March 28, 2002.

### d. Sheriff's Extradition Expenses

Eagan encouraged the County Board to read the inclusion in the packet about the differences in expenses that occur in extradition.

f. Convention & Visitors Bureau RFP Schedule

Eagan stated the Board agreed not to go out before the contract year for next year.

Campbell indicated they should hear Kathy Smith's report before they give their notice to the Chamber of Commerce regarding their contract.

h. County Addressing Project

This item was held over until March 28, 2002.

j. Televising Board of Equalization

Eagan said the cameras have always been shut off after the 1:30 p.m. Lancaster County Board of Commissioners meeting and the 2:30 p.m. Board of Equalization has never been televised.

It was the Board's consensus to televise the Board of Equalization meetings.

## **15 DISCUSSION OF BOARD MEMBER MEETINGS**

b. **Board of Health - Hudkins**

Hudkins reported he met with Bruce Dart, Health Department Director, who has been receiving a lot of calls regarding the Ethanol Plant in Waverly. He said there have been prevailing winds and it makes a lot of difference on whether it is a wet milling or dry milling operation. Hudkins said the further east the plant would be, the better it would be for the population of Lancaster County. He also said if the Ethanol Plant came in, the Health Department would have increased responsibilities and would probably come to the Board with a fee structure that would have to be collected off of the industries that are affected.

i. **Meeting with Kawasaki & Union Pacific Re: Wildrose Lane - Hudkins, Workman**

Workman reported that Union Pacific is putting in more tracks and said if the line is crossed at Fletcher Avenue, a switch unit will be crossed.

Hudkins reported Northwest 12<sup>th</sup> will be made an interchange at Hwy 34. He said one of the things the County Board needs to be prepared for is if the County Engineer were to build a road from 27<sup>th</sup> to 31<sup>st</sup> Street, over one set of railroad tracks instead of two and if a switch yard is built they will have to go over two sets of railroad tracks, which will cost around \$300,000.

Workman said Kawasaki may have as many as 900 new employees with the new railcar. He likes Larry's idea about the interchange at Hwy 34 and NW 12<sup>th</sup> Street and it should be considered in the Comprehensive Plan.

**MOTION:** Hudkins moved and Stevens seconded to authorize the County Board Chair to send a letter to Alan Abbott asking him to review consideration for the Kawasaki, 27<sup>th</sup> Street railroad crossing, to consider for inclusion in the Comprehensive Plan an interchange at NW 12<sup>th</sup> Street and Hwy 34. On call Campbell, Heier, Stevens, Hudkins and Workman voted aye. Motion carried.

Workman said Don Thomas, County Engineer, wants direction from the County Board that they are not pursuing closing Wildrose Lane. The Board agreed to put the item on a Tuesday County Board meeting agenda.

h. **Public Building Commission** - Campbell, Hudkins

Hudkins reported Bill Giovanni said interest rates on bonds are starting to go back up. He said the amount for the parking garage is about \$7.2 million and a resolution has been put in place in case interest rates start going up. He said it would include two stories to the north of the County-City Building and are considering having them put heavy enough footings in so that if some day added offices or a building may be wanted, it could be added.

**16 ADJOURNMENT**

**MOTION:** Campbell moved and Heier seconded to adjourn the meeting at 4:50 p.m. Campbell, Workman, Hudkins, Heier and Stevens voted aye. Motion carried.

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Bruce Medcalf  
Lancaster County Clerk